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|-----------------------------|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.             | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/537,679                  | 12/16/2005  | Franck Fournel       | 9905/26             | 8526             |
| 7590                        |             | 03/14/2008           | EXAMINER            |                  |
| Brinks Hofer Gilson & Lione |             |                      | AFTERGUT, JEFF H    |                  |
| PO Box 10395                |             |                      |                     |                  |
| Chicago, IL 60610           |             |                      | ART UNIT            | PAPER NUMBER     |
|                             |             |                      | 1791                |                  |
|                             |             | MAIL DATE            | DELIVERY MODE       |                  |
|                             |             | 03/14/2008           | PAPER               |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |
|------------------------------|--------------------------------------|---------------------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/537,679 | <b>Applicant(s)</b><br>FOURNEL ET AL. |
|                              | <b>Examiner</b><br>Jeff H. Altergut  | <b>Art Unit</b><br>1791               |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 is/are rejected.  
 7) Claim(s) 4-35 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date 0-2-05. | 6) <input type="checkbox"/> Other: _____  |

***Claim Objections***

1. Claims 4-35 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend upon another dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-35 have not been further treated on the merits.

***Claim Rejections - 35 USC § 102/103***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hoshi et al.

Hoshi et al suggested that those skilled in the art at the time the invention was made would have warped both a first and second wafer (inducing a stress in the wafer prior to assembly of the wafers together). The reference taught that one could have warped only one of the wafers prior to assembly. The reference taught that the wafers were mechanically warped prior to assembly. After the wafers were warped, they were brought into contact with each other at a single location and then allowed to contact at

all surfaces therefrom. While the reference did not express that the finished assembly had a predetermined stressed state in the finished assembly, one skilled in the art would have readily understood that in order to ensure that the finished assembly retained its flat configuration, the final stresses induced in each wafer must be equal and opposite or balanced in the finished assembly in order to retain their flat configuration. It is therefore believed that the processing in accordance with Hoshi would have inherently resulted in the finished stressed assembly as required of the claim (it performed the same processing upon the same materials so therefore it must act in a similar fashion). In any event, it would have been obvious to one of ordinary skill in the art at the time the invention was made to impart a prestress to the assembled wafers which balanced each other out as such would have been necessary in order to produce a flat bonded wafer assembly in the process as taught by Hoshi et al.

With regard to claim 2, note that the reference to Hoshi et al suggested that one skilled in the art would have warped both wafers. Regarding claim 3, note that the reference taught that one could additionally only warp one wafer. It should be noted that both wafers are warped independent of one another.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakazato et al suggested one warp the wafers so one is convex and one is concave and the wafers are assembled together. Yoshikawa taught that one skilled in the art would have known to warp one wafer and then joining the wafers together.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:30-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff H. Aftergut/  
Primary Examiner, Art Unit 1791

JHA  
February 28, 2008